

House File 2442 - Introduced

HOUSE FILE 2442
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 586)

A BILL FOR

1 An Act relating to judicial branch administration, and child
2 custody and visitation matters.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 236.4, subsection 2, Code 2009, is
2 amended to read as follows:

3 2. The court may enter any temporary order it deems
4 necessary to protect the plaintiff from domestic abuse prior to
5 the hearing, including temporary custody or visitation orders
6 pursuant to subsection 2A, upon good cause shown in an ex parte
7 proceeding. Present danger of domestic abuse to the plaintiff
8 constitutes good cause for purposes of this subsection.

9 Sec. 2. Section 236.4, Code 2009, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 2A. The court may award temporary custody
12 of or establish temporary visitation rights with regard to
13 children under eighteen years of age. In awarding temporary
14 custody or temporary visitation rights, the court shall give
15 primary consideration to the safety of the alleged victim
16 and the children. If the court finds that the safety of
17 the alleged victim or the children will be jeopardized by
18 unsupervised or unrestricted visitation, the court shall set
19 conditions or restrict visitation as to time, place, duration,
20 or supervision, or deny visitation entirely, as needed to guard
21 the safety of the victim and the children. The court shall
22 also determine whether any other existing orders awarding
23 custody or visitation should be modified.

24 Sec. 3. Section 236.4, subsection 3, Code 2009, is amended
25 to read as follows:

26 3. If a hearing is continued, the court may make or extend
27 any temporary order under subsection 2 or 2A that it deems
28 necessary.

29 Sec. 4. Section 236.5, subsection 1, paragraph b,
30 subparagraph (4), subparagraph division (c), Code Supplement
31 2009, is amended to read as follows:

32 (c) The court shall also ~~investigate~~ determine
33 whether any other existing orders awarding custody or
34 visitation rights should be modified.

35 Sec. 5. Section 598.15, subsection 1, Code 2009, is amended

1 to read as follows:

2 1. The ~~court shall order the parties to any action~~
3 which involves the issues of child custody or visitation
4 ~~to~~ shall participate in a court-approved course to educate
5 and sensitize the parties to the needs of any child or party
6 during and subsequent to the proceeding within forty-five
7 days of the service of notice and petition for the action
8 or within forty-five days of the service of notice and
9 application for modification of an order. Participation in the
10 course may be waived or delayed by the court for good cause
11 including, but not limited to, a default by any of the parties
12 or a showing that the parties have previously participated in a
13 court-approved course or its equivalent. Participation in the
14 course is not required if the proceeding involves termination
15 of parental rights of any of the parties. A final decree shall
16 not be granted or a final order shall not be entered until the
17 parties have complied with this section, unless participation
18 in the course is waived or delayed for good cause or is
19 otherwise not required under this subsection.

20 Sec. 6. Section 602.3101, subsection 2, Code 2009, is
21 amended to read as follows:

22 2. The ~~state court administrator or a designee of the~~
23 ~~state court administrator~~ supreme court shall ~~act as~~ appoint
24 the administrator ~~to~~ of the board.

25 Sec. 7. Section 602.8105, subsection 1, Code Supplement
26 2009, is amended by adding the following new paragraph:

27 NEW PARAGRAPH. *j.* For filing a tribal judgment, one hundred
28 dollars.

29 Sec. 8. Section 602.10108, Code 2009, is amended to read as
30 follows:

31 **602.10108 Fees.**

32 1. The ~~board~~ supreme court shall set the fees for
33 examination and for admission. The fees for examination
34 shall be based upon the annual cost of administering the
35 examinations. The fees for admission shall be based upon the

1 costs of conducting an investigation of the applicant and the
2 administrative costs of sustaining the board, ~~which shall~~
3 ~~include but shall not be limited to:~~

4 ~~1. Expenses and travel for board members and temporary~~
5 ~~examiners.~~

6 ~~2. Office facilities, supplies, and equipment.~~

7 ~~3. Clerical assistance.~~

8 2. Fees shall be collected by the board and transmitted
9 to the treasurer of state who shall deposit the fees in the
10 general fund of the state.

11 Sec. 9. Section 607A.8, subsection 2, Code 2009, is amended
12 to read as follows:

13 2. A grand juror and a petit juror in all courts shall
14 receive reimbursement for mileage expenses at the rate
15 specified in ~~section 602.1509~~ by the supreme court for each
16 mile traveled each day to and from the residence of the juror
17 to the place of service or attendance, and shall receive
18 reimbursement for actual expenses of parking, as determined by
19 the clerk of the district court. A juror who is a person with a
20 disability may receive reimbursement for the costs of alternate
21 transportation from the residence of the juror to the place of
22 service or attendance. A juror shall not receive reimbursement
23 for mileage expenses or actual expenses of parking when the
24 juror travels in a vehicle for which another juror is receiving
25 reimbursement for mileage and parking expenses.

26 Sec. 10. Section 626D.3, Code 2009, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 4. The clerk of the district court shall
29 collect a fee as provided in section 602.8105, subsection 1,
30 for filing a tribal judgment.

31 Sec. 11. Section 665.7, Code 2009, is amended to read as
32 follows:

33 **665.7 Notice to show cause.**

34 Before punishing for contempt, unless the offender is
35 already in the presence of the court, the offender must be

1 served personally with ~~a rule~~ an order to show cause against
2 the punishment, and a reasonable time given the offender
3 therefor; or the offender may be brought before the court
4 forthwith, or on a given day, by warrant, if necessary. In
5 either case the offender may, at the offender's option, make a
6 written explanation of the offender's conduct under oath, which
7 must be filed and preserved.

8 EXPLANATION

9 This bill relates to the administration of the judicial
10 branch and child custody and visitation matters.

11 The bill provides that the court may enter temporary custody
12 and visitation orders prior to a hearing to determine whether
13 domestic abuse has occurred under Code chapter 236. In
14 awarding temporary custody and visitation under the bill, the
15 court shall give primary consideration to the safety of the
16 alleged victim and the children.

17 The bill requires each party to an action which involves
18 the custody of a child or visitation to participate in a
19 court-approved course to educate and sensitize the parties to
20 the needs of any child involved in the custody or visitation
21 action. Current law requires the court to order the parties
22 to attend such a course.

23 The bill requires the supreme court to appoint the
24 administrator of the board of examiners of shorthand reporters.
25 Current law provides that the state court administrator or
26 a designee of the state court administrator shall act as
27 administer of the board.

28 The bill transfers the authority to set fees for examination
29 and admission to practice law in Iowa from the board of law
30 examiners to the supreme court.

31 The bill separates the authority of the supreme court to
32 establish the mileage reimbursement rate for jurors from
33 the authority of the supreme court to establish the mileage
34 reimbursement rate for witnesses, judicial officers, and court
35 employees. Currently, the mileage reimbursement rate for

1 jurors, witnesses, judicial officers, and court employees is
2 established under the authority of the supreme court pursuant
3 to one provision in Code section 602.1509.

4 The bill sets the fee for filing a tribal judgment with the
5 clerk of the district court at \$100. The distribution of court
6 fees collected by the clerk of the district court is governed
7 by Code section 602.8108. Current law does not establish a
8 filing fee for a tribal judgment.

9 The bill requires an offender, not already in the presence of
10 the court, to be personally served with an order to show cause
11 against the punishment for contempt. Current law requires
12 the offender, not already in the presence of the court, to
13 be personally served with a rule to show cause against the
14 punishment for contempt.